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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/311,188	05/13/1999	DEBORAH L. PINARD	3988	9904

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EXAMINER

SING, SIMON P

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 03/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



# Office Action Summary

Application No.

09/311,188

Applicant(s)

PINARD, DEBORAH L.

Examiner

Simon Sing

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.



## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 and 4-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bobo II US 5,675,507 in view of Visible Decision's Discovery for Developers (VDDD).

1.1 Regarding claims 1, 15, 16 and 20, Bobo discloses a message storage and delivery system 10 (MSDS) in figure 1. The MSDS 10 is connected to a telephone network 20 and a data network 30. A plurality of user computers 32 are also connected to the data network 30. Bobo teaches using different applications to generate different files for different types of messages [incoming communications] (column 18, lines 5-9; column 8, lines 8-20), and each type of messages are grouped in a message list, represented by an anchor, to indicate the total number of messages, and the number of saved messages and new messages (column 7, lines 62-67; column 8, lines 15-20). When a user logs into the MSDS 10 via the data network 30, the anchors are displayed on the screen of the user computer 32 (column 18, lines 9-14). Bobo fails to teach generating a three dimensional (3D) display of the messages stored in the MSDS 10.



However, the VDDD discloses a 3D graphical tool. A user can use this 3D graphical tool to acquire information and generate a customized 3D view on a computer screen. The VDDD teaches using a user interface controller to manipulate information obtained and to organized views within a hierarchy of Signs, and to form 3D landscapes (page 4, USER INTERFACE). As examples, the VDDD includes a variety of 3D views from financial to telecommunications (see Industry Solutions page), such as Dow Jones Industrial Average and Network Monitor.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Bobo reference with the teaching of VDDD so that messages stored in the MSDS would have been displayed in a 3D view on the user computer 32, such that a first axis would have denoted different types of messages, a second axis would have denoted the number of messages of each type, and a third axis would have denoted different categories, such as saved or new messages, because such a modification would have been a matter of design choice of graphical representation (one dimensional vs. three dimensional), and would have given a user an animated view of his messages.

1.2 Regarding claims 4, 5, 17, 21 and 22, the Bobo reference, modified by VDDD, teaches generating a customized 3D view, which includes attributes such as size, color, orientation and height can be changed to reflect the state of data obtained (page 7, paragraph 6; also Dow Jones Industrial Average).



1.3 Regarding claims 6 and 23, it is inherent that a 3D view includes x, y and z axes, and a customized 3D view includes attributes such as size, color, orientation and height can be changed to reflect the state of data obtained (page 7, paragraph 6; also Dow Jones Industrial Average).

1.4 Regarding claims 7, 18 and 24, the Bobo reference, modified by VDDD, teaches generating a customized 3D view, teaches categorizing incoming communications [messages] into saved [read] and new [unread] messages as discussed in claim 1.

1.5 Regarding claims 8, 19 and 25, the Bobo reference, modified by VDDD, teaches generating a customized 3D view. Bobo further teaches that the types of messages include fax message, voice messages, data messages and e-mail messages (column 8, lines 15-27).

1.6 Regarding claim 9, the Bobo reference, modified by VDDD, teaches generating a customized 3D view as discussed in claim 1, and arranging categories along the third axis would have been a matter of design choice.

1.7 Regarding claim 10, the Bobo reference, modified by VDDD, teaches generating a customized 3D view on a user's computer screen. Bobo further teaches that the types of messages include fax message, voice messages, data messages and e-mail messages (column 8, lines 15-27).



1.8 Regarding claim 11, the Bobo reference, modified by VDDD, teaches generating a customized 3D view on a user's computer screen. Bobo teaches that each application is run on an Internet Server 5 (figure 13) connected to Internet 30.

1.9 Regarding claim 12, the Bobo reference, modified by VDDD, teaches generating a customized 3D view on a user's computer screen. Bobo teaches that a user logs into the MSDS 10 from a computer 32 via Internet 30.

1.10 Regarding claim 13, the Bobo reference, modified by VDDD, teaches generating a customized 3D view on a user's computer screen. It is inherent that in Microsoft Windows, a window can be resized, or minimized onto a toolbar.

1.11 Regarding claims 14 and 26, the Bobo reference, modified by VDDD, teaches generating a customized [user configurable] 3D view on a user's computer screen as discussed in claim 1.

### ***Response to Arguments***

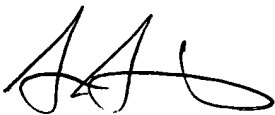
2. Applicant's arguments with respect to claims 1 and 4-16 have been considered but are moot in view of the new ground(s) of rejection.



**Conclusion**

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600



S.S.

02/21/2003

